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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,894	05/11/2001	Shai Herzog	IPH-002	6166
7590	07/23/2004		EXAMINER	
Scott Harvey, Esq Deputy General Counsel Comdisco Inc. 6111 North River Road Rosemont, IL 60018			EL CHANTI, HUSSEIN A	
			ART UNIT	PAPER NUMBER
			2157	
			DATE MAILED: 07/23/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/853,894	HERZOG ET AL.	
	Examiner	Art Unit	
	Hussein A El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 May 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is responsive to application filed on May 11, 2001. Claims 1-16 are pending examination.

Claim Objections

2. Claim 16 is objected to because of the following informalities:

The claim states "at least priority" on the second line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "whom" in 6th line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Hejza, U.S. Patent No. 6,577,628.

As to claim 1, Hejza teaches a method of delegating authority to control network resources, comprising:

(a) providing parameters associated with network resources (see col. 2 lines 15-45 and col. 7 lines 16-col. 8 lines 27); and

(b) creating at least one rule for delegating a scope of authority to create at least one policy-based rule for controlling access and usage of network resources, the at least one rule for delegating comprising at least one of the parameters and an identifier designating to whom the scope of authority is delegated, the at least one policy-based rule comprising at least one of the parameters (see col. 7 lines 16-col. 8 lines 27).

As to claim 2, Hejza teaches the method of claim 1 further comprising creating at least one other rule for delegating a separate scope of authority to create at least one additional rule for delegating another scope of authority to create at least one other policy-based rule for controlling access and usage of network resources, the at least one other rule for delegating and the at least one additional rule for delegating each comprising at least one of the parameters and an identifier designating to whom the scope of authority is delegated, the at least one other policy-based rule comprising at least one of the parameters (see col. 7 lines 16-col. 8 lines 27).

As to claim 3, Hejza teaches the method of claim 1 wherein the scope of authority in step (b) includes a scope of authority to delegate another scope of authority to create at least one other policy-based rule (see col. 7 lines 16-col. 8 lines 27).

As to claim 4, Hejza teaches the method of claim 1 wherein step (a) comprises providing priority as one of the parameters (see col. 7 lines 16-col. 8 lines 27).

As to claim 5, Hejza teaches a method of controlling network performance, comprising:

- (a) providing parameters associated with network resources;
- (b) creating at least one rule for delegating a scope of authority to create at least one policy-based rule for controlling access and usage of network resources, the at least one rule for delegating comprising at least one of the parameters and an identifier designating to whom the scope of authority is delegated, the at least one policy-based rule comprising at least one of the parameters;
- (c) determining if a created one of the policy-based rules is within the delegated scope of authority; and
- (d) modifying the created one of the policy-based rules if the created one of the policy-based rules is not within the delegated scope of authority such that the created one of the policy-based rules becomes within the delegated scope of authority (see col. 7 lines 16-col. 8 lines 27).

As to claim 6, Hejza teaches the method of claim 5 wherein step (d) comprises ignoring the created one of the policy-based rules not within the delegated scope of authority (see col. 7 lines 16-col. 8 lines 27).

As to claim 7, Hejza teaches the method of claim 5 wherein step (d) comprises ignoring a portion of the created one of the policy-based rules not within the delegated scope of authority (see col. 7 lines 16-col. 8 lines 27).

As to claim 8, Hejza teaches the method of claim 5 further comprising creating at least one other rule for delegating a separate scope of authority to create at least one additional rule for delegating another scope of authority to create at least one other policy-based rule for controlling access and usage of network resources, the at least one other rule for delegating and the at least one additional rule for delegating each comprising at least one of the parameters and an identifier designating to whom the scope of authority is delegated, the at least one other policy-based rule comprising at least one of the parameters (see col. 7 lines 16-col. 8 lines 27).

As to claim 9, Hejza teaches the method of claim 5 wherein the scope of authority in step (b) includes a scope of authority to delegate another scope of authority to create at least one other policy-based rule (see col. 7 lines 16-col. 8 lines 27).

As to claim 10, Hejza teaches the method of claim 5 wherein step (a) comprises providing priority as one of the parameters (see col. 7 lines 16-col. 8 lines 27).

As to claim 11, Hejza teaches a system for controlling network performance, comprising:

- (a) a module for providing parameters associated with network resources;
- (b) a module for creating at least one rule for delegating a scope of authority to create at least one policy-based rule for controlling access and usage of network resources, the at least one rule for delegating comprising at least one of the parameters and an identifier designating to whom the scope of authority is delegated, the at least one policy-based rule comprising at least one of the parameters;
- (c) a module for determining if a created one of the policy-based rules is within the delegated scope of authority; and
- (d) a module for modifying the created one of the policy-based rules if the created one of the policy based rules is not within the delegated scope of authority such that the created one of the policy-based rules becomes within the delegated scope of authority (see col. 7 lines 16-col. 8 lines 27).

As to claim 12, Hejza teaches the system of claim 11 wherein the module for modifying the created one of the policy-based rules modifies the created one of the policy-based rules by ignoring the created one of the policy-based rules if the created one of the policy-based rules is not within the delegated scope of authority (see col. 7 lines 16-col. 8 lines 27).

As to claim 13, Hejza teaches the system of claim 11 wherein the module for modifying the created one of the policy-based rules modifies the created one of the policy-based rules by ignoring a portion of the created one of the policy-based rules not within the delegated scope of authority (see col. 7 lines 16-col. 8 lines 27).

As to claim 14, Hejza teaches the system of claim 11 further comprising a module for creating at least one other rule for delegating a separate scope of authority to create at least one additional rule for delegating another scope of authority to create at least one other policy-based rule for controlling access and usage of network resources, the at least one other rule for delegating and the at least one additional rule for delegating each comprising at least one of the parameters and an identifier designating to whom the scope of authority is delegated, the at least one other policy-based rule comprising at least one of the parameters (see col. 7 lines 16-col. 8 lines 27).

As to claim 15, Hejza teaches the system of claim 11 wherein the scope of authority includes a scope of authority to delegate another scope of authority to create at least one other policy-based rule (see col. 7 lines 16-col. 8 lines 27).

As to claim 16, Hejza teaches the system of claim 11 wherein the parameters associated with network resources include at least priority (see col. 7 lines 16-col. 8 lines 27).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Clinet Server Architecture Using Internet And Guaranteed Quality Of Service Networks For Accessing Distributed Media Sources by Civanlar, U.S. Patent No. 5,944,795.
- Policy Based Quality Of Service by Haddock et al., U.S. Patent No. 6,104,700.

- Method And System For Contention Controlled Data Exchange In A Distributed Network Based Resource Allocation by Combs et al., U.S. Patent No. 6,665,701.
- Method And Apparatus Of Storing Policies For Policy Based Management Of Quality Of Service Treatments Of Network Data Traffic Flows by Mohaban et al., U.S. Patent No. 6,463,470.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti
July 12, 2004



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